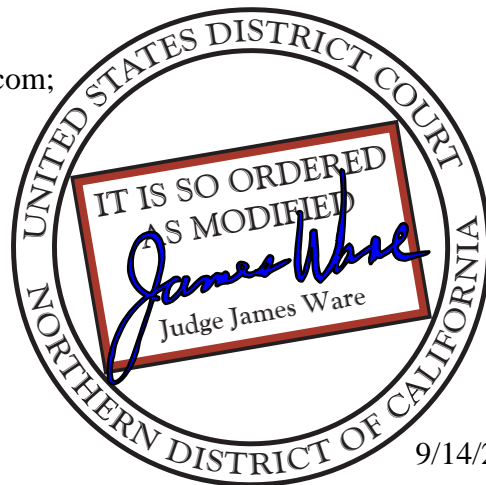


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17 Attorneys for Defendant
INTEL CORPORATION



9/14/2010

18 UNITED STATES DISTRICT COURT
19
20 NORTHERN DISTRICT OF CALIFORNIA
21
22 SAN JOSE DIVISION

22 IN RE INTEL LAPTOP BATTERY
23 LITIGATION

CASE NO. 5:09-cv-02889-JW (PVT)

24 **STIPULATION AND [PROPOSED]
25 ORDER REGARDING BRIEFING AND
26 HEARING SCHEDULE**

25 Judge: Honorable James Ware

26 Complaint Filed: June 26, 2009

27 Trial Date: None

Discovery Cutoff: February 28, 2011

1 Plaintiffs Barry Wachslar, Diane Murphy and Maria Rodriguez (“Plaintiffs”) and
2 Defendants Intel Corporation and the Business Applications Performance Corporation
3 (“BAPCo”) (“Defendants”) hereby stipulate as follows:

4 WHEREAS Plaintiffs’ motion for class certification is scheduled to be heard on
5 November 15, 2010;

6 WHEREAS Plaintiffs have communicated their intent to move for class certification
7 exclusively under Rule 23(b)(2);

8 WHEREAS Plaintiffs have agreed not to seek monetary relief in this action, either by
9 pursuing a claim for damages or restitution or otherwise, and have agreed that the only relief they
10 will seek in this action is injunctive relief and recovery of their reasonable attorneys’ fees and/or
11 costs;

12 WHEREAS the parties have conferred on an appropriate schedule for the briefing of the
13 class certification motion in light of these agreements; and

14 WHEREAS Defendants wish to have their alternative motions for summary judgment or
15 for establishment of facts (“motion for summary judgment”) heard on the same date as Plaintiffs’
16 motion for class certification and have filed an administrative motion requesting that both
17 hearings be set on November 15;

18 NOW THEREFORE IT IS STIPULATED BY AND AMONG THE PARTIES THAT:

19 Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their motion
20 for class certification on or before September 22, 2010;

21 Defendants will file (or lodge in accordance with Local Rule 79-5) and serve their
22 oppositions to Plaintiffs’ motion for class certification on or before October 18, 2010;

23 Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their
24 opposition to Defendants’ motion for summary judgment on or before October 18, 2010;

25 Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their reply in
26 further support of their motion for class certification on or before November 1, 2010;

27 Defendants will file (or lodge in accordance with Local Rule 79-5) and serve their reply in
28 further support of their motion for summary judgment on or before November 1, 2010; and

1 Plaintiffs will not oppose Defendants' administrative motion to move the hearing on
2 Defendants' motion for summary judgment from November 22 to November 15 to coincide with
3 the hearing on Plaintiffs' motion for class certification.

4 **IT IS SO STIPULATED.**

5
6 DATED: September 10, 2010 GIRARD GIBBS LLP

7
8 By: /s/ Eric H. Gibbs
Eric H. Gibbs

9 Interim Class Counsel for Plaintiffs

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11 DATED: September 10, 2010 PERKINS COIE LLP

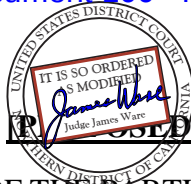
12 By: /s/ Philip A. Leider
Philip A. Leider

13 Attorneys for Defendant
14 INTEL CORPORATION

15
16 DATED: September 10, 2010 NARANCIC & KATZMAN, PC

17 By: /s/ Barry L. Katzman
Barry L. Katzman

18 Attorneys for Defendant
19 BUSINESS APPLICATIONS
20 PERFORMANCE CORPORATION



ORDER

PURSUANT TO STIPULATION OF THE PARTIES:

Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their motion for class certification on or before September 22, 2010;

Defendants will file (or lodge in accordance with Local Rule 79-5) and serve their oppositions to Plaintiffs' motion for class certification on or before October 18, 2010;

Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their opposition to Defendants' motion for summary judgment on or before October 18, 2010;

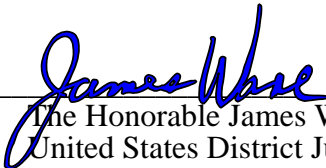
Plaintiffs will file (or lodge in accordance with Local Rule 79-5) and serve their reply in further support of their motion for class certification on or before **October 29, 2010**.

Defendants will file (or lodge in accordance with Local Rule 79-5) and serve their reply in further support of their motion for summary judgment on or before **October 29, 2010**; and

The hearing on Defendants' motion for summary judgment will be heard on November 15 at the same time as the hearing on Plaintiffs' motion for class certification.

IT IS SO ORDERED.

DATED: September 14, 2010.


The Honorable James Ware
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that September 10, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

/s/ Sheila Merrill
Sheila Merrill

20336-1273/LEGAL19121514.1